



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

April 15, 2010

VIA CERTIFIED MAIL

7002 0510 0002 7964 5512

Mr. Jeffrey D. Mueller, Vice President
Warrick Holding Company
123 Northwest 4th Street, Suite 416
Evansville, Indiana 47708

Dear Mr. Mueller:

Re: NPDES Permit No. ING040159
Ayrshire Mine
Campbell Township, northwest of Chandler, Indiana
Warrick County

This agency received notification from the Indiana Department of Natural Resources (IDNR) that the last remaining outfall at the above-referenced site is no longer discharging and has been fully reclaimed. The letter referenced a request from you to Mr. Tom Good of the IDNR dated January 7, 2010. This letter further stated a request had been sent to our offices requesting that NPDES permit ING040159 be terminated. While our office has not received this request, we nonetheless concur that since representatives of the IDNR have confirmed that the site no longer has an active discharge point this permit is no longer needed.

Therefore, National Pollutant Discharge Elimination System Permit No. ING040159, issued on July 15, 2008, is hereby revoked effective 18 days from the mailing date of this letter.

Any party adversely affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days after the date of mailing of this letter. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this voidance or otherwise entitled to review by law. Pursuant to IC 13-15-7-3, this decision shall remain in effect pending a decision on any appeal that has been timely requested under the provisions of IC 4-21.5. The address is:

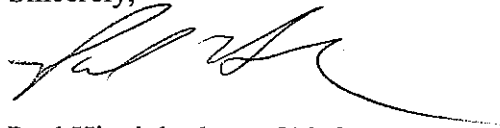
Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 501
Indianapolis, IN 46204

Mr. Jeffrey D. Mueller
Page 2

You are reminded that any future discharge to waters of the state must be preceded by the submission of an NPDES application at least 180 days prior to the commencement of such discharge.

If you have any questions regarding this matter, please contact Ms. Sheri L. Jordan of my staff at 317/ 232-8703.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Higginbotham', with a long, sweeping horizontal line extending to the right.

Paul Higginbotham, Chief
Permits Branch
Office of Water Quality

Slj/

cc: IDNR Division of Reclamation
Warrick County Health Department

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 - 4D -GP

DATE OF NOTICE: April 15, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

TERMINATION

WARRICK HOLDING COMPANY – AYRSHIRE MINE, Permit No. ING040159, WARRICK COUNTY, Chandler, IN. This permit is being terminated because there is no longer a discharge. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:

Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.

Warrick Holding Company
Ayrshire Mine
123 NW Fourth Street, Suite 416
Evansville, IN 47708

January 7, 2010

Mr. Tom Good
Indiana Department of Natural Resources
Division of Reclamation
R.R. #2, Box 129
Jasonville, IN 47438-9517

RE: Ayrshire Mine -Basin 013, Permits S-00004

Dear Mr. Good,

Warrick Holding Company, Ayrshire Mine, is requesting approval of a non-significant revision to Permit S-00004. The proposed revision consists of ceasing to monitor NPDES outfall 013. The case for ceasing to monitor outfall 013 is as follows:

- Ayrshire Mine ceased production in December, 1993. From 1993 until 1997 all soils were replaced and all areas were permanently revegetated. These areas included those that eventually drained into basin 013 with the exception of a 27 acre storage area for a dragline.
- In 2004 the last area of bond release, with the exception of the bond covering the 27 acre dragline storage site, was released by IDNR.
- In August of 2006 the 27 acre dragline site received final reclamation and was seeded with its permanent vegetation.
- In August 2009 the Phase I and Phase II bond on the 27 acre dragline site was released. Therefore the only reclamation bond remaining on the entire Ayrshire Mine area is Phase III bond on the dragline storage site.
- The dragline storage site has an excellent stand of growth and should be eligible for final bond release in the summer/fall of 2011. No further seeding activities should be required on the area.
- Outfall 013, the last remaining outfall requiring monitoring, is located 3 miles south of the Phase III bonded dragline site. The water from the dragline site reaches the basin and outfall through a series of final cut

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JAN 11 2010

Jasonville

lakes that are over 400 feet wide and in excess of 60 feet deep and over three miles in length. Therefore should there be any water quality issues from the dragline site (which there are not) the sheer volume of the final cut lakes would mitigate any problems.

- Outfall 013 has been consistently tested (quarterly since the third quarter of 2007) and prior to that date twice monthly. There have not been any water quality excursions from this outfall since final reclamation was completed and the final lakes reached their pool elevation in the late 1990's.

Outfall 013 was last sampled on November 12, 2009. With this letter it is further requested that no further samples (that being for the first quarter of 2010) be required.

A letter was previously submitted to IDEM requesting that Warrick's entire NPDES Permit be terminated. This letter requesting a non significant revision to the mining permit is being made in order to cease sampling this outfall, which is the final outfall still being monitored by Warrick, until such time as IDEM terminates the NPDES permit for the mine.

Should you have any questions, please feel free to contact me at the letterhead address, or by telephone at (812) 434-4890.

Respectfully yours,



Jeffrey D Mueller

Cc: Catherine Hess, IDEM

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